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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,287	08/28/2003	Carlos A. Miranda-Knapp	7463-14	6684
30448	7590	12/15/2004	EXAMINER	
AKERMAN SENTERFITT			PHAM, LAM P	
P.O. BOX 3188			ART UNIT	PAPER NUMBER
WEST PALM BEACH, FL 33402-3188			2636	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/650,287

Applicant(s)

MIRANDA-KNAPP ET AL.

Examiner

Lam P Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-17 is/are allowed.
- 6) ☒ Claim(s) 1-7, 18-19, 21-25, 27 is/are rejected.
- 7) ☒ Claim(s) 8, 20 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/28/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings (Figure 1) must show every feature of the invention specified in the claims. Therefore, the "acceleration sensor coupled to the transceiver" in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 21 recites the limitation "the phone" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3 rejected under 35 U.S.C. 102(b) as being anticipated by **French** (US 5760690).

**Regards claim1**, French discloses a method of preventing the loss of a portable communication device, comprising the steps of:

monitoring an acceleration profile at the portable communication device; the acceleration profile including a motion of the laptop computer from a stationary state into a moving state along a particular axis via using sensors (24a,b) including tilt sensor, mercury sensor; and

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entering a secure mode (lock mode) which limits access to the portable communication device upon determining the acceleration profile matches a predetermined profile as seen in Figures 1-3; col. 3, lines 13-48; col. 4, lines 14-61; col. 5, lines 7-60.

**Regards claim 3**, French discloses further comprises the step of alerting using an audible alert (siren) as seen in col. 4, lines 25-30.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of Lehmann et al. (US 5861808).

**Regards claim 4**, French fails to disclose the predetermined profile is a profile representing portable communication device that has not been in motion for an extended period of time; this profile indicates that the device has been misplaced or forgotten for sometime.

Lehmann et al. in "motion sensitive reminder" teach of a compact motion sensitive reminder device that emits an audio signal when the item is initially moved from a stationary condition and then remains silent during the item use's, and emits the

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audio alert signal after a certain amount of time that the movable item has remained stationary as seen in the Abstract and Figure.

In view of Lehmann teaching, it would have been obvious to one of ordinary skilled in the art to have the profile representing a portable communication device that has not been in motion for an extended of time in the device of French in order to remind user of a potential lost or forgotten or misplaced device.

9. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of D'Angelo et al. (US 6265974).

**Regards claim 19**, French fails to disclose specifically the motion sensor is an accelerometer.

D'Angelo et al. in system for child location monitoring using a Parent unit and a Child unit teaches of using an accelerometer for detecting motion along dual axis in the Child unit as seen in col. 4, lines 63-67.

In view of D'Angelo teaching, it would have been obvious to one of ordinary skilled in the art to incorporate an acceleration sensor or accelerometer into the device of French in order to detect acceleration motion to alert a user of a loss or theft of the device.

10. Claims 2, 5-7, 18, 22-25, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over French in view of **Gehlot** (US 6362736).

**Regards claim 2, 5, 6**, French fails to disclose the method further comprises the step of transmitting location information from the portable communication device to one

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among a predetermined phone number, a predetermined voicemail, a predetermined email, and a remote requestor having entered a predetermined access code.

Gehlot teaches of a method for automatic recovery of a stolen object (laptop, palm, PDA); the object (10) has GPS receiver (12) for obtaining a location information of the object in real-time and transmitting a location information with a time stamp to a predetermined phone number, a remote requestor, predetermined email as seen in Figures 1-3; col. 2, lines 52-67; col. 3, lines 1-57; col. 4, lines 33-67.

In view of Gehlot teaching, it would have been obvious to one of ordinary skilled in the art to utilize a GPS receiver in the laptop or portable device for obtaining a location information with a time stamp and transmitting this information to a predetermined phone number, a remote requestor, a predetermined email in order to provide a tracking system for recovering lost objects.

**Regards claim 7**, Gehlot discloses further comprising the steps of monitoring at the portable communication device for a predetermined safe zone and monitoring for a predetermined battery threshold as seen in Figures 3 and 4; col. 6, lines 14-19 and col. 7, lines 51-67.

**Regards claim 18**, French discloses a portable communication device comprising:

an acceleration sensor (motion sensor including tilt or mercury switch); it detects acceleration of the device from a stationary state to a moving state that trigger the alarm; and

a processor (control unit 22) coupled to the acceleration sensor, wherein the processor is programmed to:

monitor an acceleration profile of the portable communication device; and  
compare the acceleration profile of the portable communication device with at least one pre-stored acceleration profile; pre-stored acceleration profiles are profiles obtaining from motion along more than one axis; see Figures 1-3; col. 3, lines 13-48; col. 4, lines 14-61; col. 5, lines 7-60.

French fails to disclose a transceiver.

Gehlot teaches of a transceiver (16, 18) for transmitting location information with a time stamp of the laptop computer to a monitoring location via wireless network in method and apparatus for recovering of a stolen object as seen in Figure 1; col. 3, lines 37-57.

In view of Gehlot teaching, it would have been obvious to one of ordinary skilled in the art to incorporate a transceiver into the portable computer of French in order to transmit information to a remote monitoring location in aiding for recovering of the lost object.

**Regards claim 22**, French discloses the processor is further programmed to lock the portable communication device from further use until a security code is entered as seen in col. 5, lines 10-20.

**Regards claim 23**, French disclose the processor is further programmed to alert a user through an audio alert as seen in col. 4, lines 24-31.



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**Regards claim 24**, French fails to disclose determining location information using at least one of GPS information, time of arrival techniques, and last known location information.

Gehlot teaches of determining location information with a time stamp using GPS information as seen in Figures 3 and 4.

In view of Gehlot teaching, it would have been obvious to one of ordinary skilled in the art to have the processor is further programmed to determine geographical information using a GPS information.

**Regards claim 25**, French fails to disclose the processor is further programmed to alert the user of the loss of the portable communication device by sending geographical information over the air to at least one among a predetermined phone number, voicemails system, and an email account.

Gehlot teaches of sending location information over the air to a predetermined phone number, email account, and voicemail system as seen in col. 3, lines 24-57.

In view of Gehlot teaching, it would have been obvious to one of ordinary skilled in the art to have the processor further programmed to alert the user of the loss of the portable communication device by sending the geographical information over the air to at least one among predetermined phone number, a voicemail system, and an email account in order to provide location tracking and recovering of the lost object.

**Regards claim 27**, French fails to disclose to inhibit transmissions by the device when the device is in predetermined safe zone.

Gehlot teaches of inhibit transmissions by the device when the device is in a predetermined safe zone or boundary while tracking the object.

In view of Gehlot teaching, it would have been obvious to one of ordinary skilled in the art to have the processor further programmed to inhibit transmissions by the portable communication device when the portable communication device is in a predetermined safe zone as seen in Figure 4; col. 6, lines 51-67.

### ***Allowable Subject Matter***

11. Claims 9-17 allowed.
12. Claims 8 and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
13. Claim 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Irvin (US 6556819) discloses a safe zones for portable electronic devices.

McDonald (US 6172607) discloses a portable theft alarm.

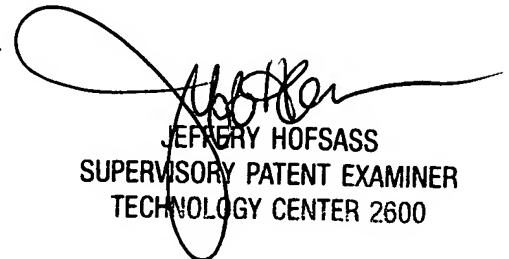
Wallace (US2002/0113705A1) discloses a device for preventing the theft of personal item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham  
November 26, 2004



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